

## **Rule 401**

### **Authority and Purpose**

Applicability: Rule 401 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

**Sec. 401.1**      **Rules Prescribed - Authority**

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#### **Sec. 401.1 Rules Prescribed-Authority**

Under the authority of Article XI of the Constitution of the State of California and under Section 8A104 and 10.101 of the Charter of the City and County of San Francisco, the Civil Service Commission of the City and County of San Francisco does prescribe and adopt these Rules which shall have the force and effect of law.

#### **Sec. 401.2 Purpose**

These Rules are prescribed for the purpose of implementing the Charter provisions, assuring continuance of the merit system, prompting efficiency in the dispatch of public business, and assuring all persons in the classified service and all persons seeking admission thereto fair and impartial treatment.

#### **Sec. 401.3 Merit System Principles**

As applied to employee classifications under the competitive civil service selection, appointment and removal procedures.

The principles of the City and County's merit system include:

- 1) Recruitment, employment, retention, and promotion of employees on the basis of qualifications and performance; and
- 2) High performance and ethical standards, consistent with hiring qualified individuals who have successfully completed the examination process, been placed on an eligible list and completed the probationary period.

Further, it is the goal and policy of the Civil Service Commission to provide fair treatment of applicants in all aspects of employment without regard to race, religion, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, and otherwise prohibited nepotism or favoritism.

**Sec. 401.4 Severability**

- 401.4.1** If any rule, section, paragraph, sentence, clause, or phrase of these Rules is declared unconstitutional or void for any reason, such declaration shall not affect the validity of the remaining portions of these Rules. The Commission hereby declares that it would have prescribed and adopted these Rules, and each rule, section, paragraph, sentence, clause and phrase hereof, irrespective of the fact that any one or more Rules, sections, paragraphs, sentences, clauses, or phrases be declared unconstitutional or void.
- 401.4.2** The titles assigned to Rules and sections are for reference purposes only and shall not be considered as a substantive part of these Rules.
- 401.4.3** If there is any conflict in the provisions of these Rules and the Administrative Code of the City and County of San Francisco, the Administrative Code language shall apply.

**Sec. 401.5 Amendment of Rules**

The Commission may at any time amend these Rules. Any such proposed amendment shall be posted for a minimum of ten (10) consecutive calendar days prior to adoption. Upon adoption, changes in the Rules shall be in effect and shall be printed. No change in the Rules shall affect a case pending before the Civil Service Commission.

**Sec. 401.6 Court Actions**

In the event of an adverse decision in a legal action to which the Commission is a party, the City Attorney shall appeal through and to the highest court for final decision unless otherwise ordered by the Commission.

**Sec. 401.7 Requirement to Officially File Rules**

As required by Charter Section 4.104, the Executive Officer shall file a copy of the Civil Service Commission Rules and all amendments to the Rules with the Clerk of the Board of Supervisors and other agencies as required by law.